THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE Dr. JUS5TICE G.YETHIRAJULU

WRIT APPEAL NO.105 OF 2001

29th August 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11.09.2000 in W.P.No.21710 of 1999 on the file of the High Court.)

Between:

The APSRTC rep. by its Managing Director,

Mushirabad, Hyderabad and two others.

Appellants/Respondents.

And

T.P.Narasimha Rao,

S/o late Hanumantha Rao,

Aged about 30 years,

R/o Vissa Koderu,

Palakoderu Mandal,

Wes Godavari District.

Respondent/Petitioner.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.105 OF 2001

JUDGMENT: (Per Hon'ble Sri Justice B.Prakash Rao)

Heard both the sides.

The appellants herein are the Corporation who seek to assail the order along with the Writ Petition in W.P.No.21710 of 1999 at the instance of the respondent herein wherein the proceedings of the appellants herein dated 08.07.1999 rejecting the claim for compassionate appointment, which was sought to be rejected.

The brief facts, which are necessary for disposal of this case, are that the respondent's father died on 07.07.1997 and accordingly the respondent's mother made a representation on 05.08.1997 seeking for compassionate appointment. But under the impugned orders dated 08.07.1999, the same was rejected mainly having regard to the qualifications as prescribed under the Circular No.40/99, dated 10.05.1999 prescribing the minimum qualification of VIII class being not satisfied. Hence, the respondent is not entitled for compassionate appointment.

After considering the submissions made on either side, the learned single Judge did not find favour on behalf of the petitioners herein and allowed the Writ Petition holding that the qualification required is only the knowledge of reading and writing simple sentences in any regional languages and not any such qualifications as sought to be relied.

Having considered the above submissions, we find that the Circular No.40/99, dated 10.05.1999 wherein such qualification of VIII class is prescribed whereas the

employee herein died on 07.07.1997 and the application made on 05.08.1997. Neither of these dates are much prior to the date of issuance of circular. Though the circular can be stated to have a statutory force, but the same cannot be retrospective operation. Having regard to the above, we do not find any merits in the above appeal.

In the result, the Writ Appeal is dismissed. No costs.

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(B. PRAKASH RAO, J)

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(Dr. G. YETHIRAJULU, J)

29th August 2005.

Chvn.